

WO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Susan A. Hudock,) CV-02-583-PHX-DGC
Plaintiff,)
v.) **ORDER**
Aventis Pharmaceuticals, Inc.,)
Defendant.)

On January 27, 2006, the Court entered a final judgment in this action in favor of Defendant Aventis Pharmaceuticals, Inc. Doc. #182. On February 7, 2006, Plaintiff Susan Hudock filed a notice of appeal and a motion for stay of judgment. Docs. ##184-85. Plaintiff cites no legal authority in support of her motion. Nor does Plaintiff explain why she seeks to stay the judgment in favor of Defendant. The Court accordingly will deny Plaintiff's motion.

Plaintiff has filed a notice indicating that she will not order any transcripts on appeal and that the transcripts designated by Defendant are unnecessary. Doc. #192; *see* Doc. #190 (Def.’s Tr. Designation & Order Form); Ninth Circuit Rule 10-3.1. Plaintiff states that the transcripts designated by Defendant are unnecessary because “the parties are already in possession of any relevant transcripts largely due to the post-jury verdict motions that [Plaintiff] filed in [this] Court.” Doc. #192 at 1. Plaintiff further states that she cannot afford to pay for transcripts designated by Defendant. *Id.* at 2. Plaintiff, however, has not filed an affidavit or provided any documentation regarding her financial condition.

1 Defendant has filed a response to Plaintiff's notice requesting that the Court require
2 Plaintiff to pay for the transcripts designated by Defendant. Doc. #193. Based on the record
3 before it, the Court cannot conclude that the transcripts designated by Defendant are
4 unnecessary to the appeal. Because the appellant ordinarily bears the costs of appeal, the
5 Court will require Plaintiff to pay for the transcripts designated by Defendant. *See* Doc.
6 #190; *see also* Ninth Circuit Rule 10-3.1(e)-(f); Fed. R. App. P. 10(b)(3).

IT IS ORDERED:

- 8 1. Plaintiff's motion for stay of judgment (Doc. #185) is **denied**.
9 2. Plaintiff shall make payment arrangements with the court reporter regarding
10 the transcripts designated by Defendant (Doc. #190) by **May 12, 2006**.

11 DATED this 26th day of April, 2006.

Daniel G. Campbell

**David G. Campbell
United States District Judge**